



## **MEDICAL POWERS OF ATTORNEY AND LIVING WILLS FACT SHEET**



A living will (also known as an Advance Medical Directive), is a statement of your intentions concerning the kind of life-sustaining medical intervention you want, or don't want, in the event you are unable to communicate your wishes and one of the following applies: (1) You become terminally ill, or (2) you enter into a persistent vegetative state from which you are not likely to regain consciousness.

If you make a living will, you are essentially stating you do not desire medical treatment if such treatment is only going to act to prolong life in one of the two physical states listed above rather than contribute to recovery. The document also allows you to request or refuse intravenous feeding or hydration in your last hours, and allows the patient to request comfort care, such as pain medications.

Because of the different interpretations of hospitals and individual doctors, it is possible that your living will may not be followed exactly as you would want if you were able to speak for yourself. Your condition and the terms of the directive will be subject to interpretation, as well as the age of the directive (is it recent, or 10 years old?) may be considered. This may affect the decisions made. In any case, physicians and hospitals do consider a patient's wishes very seriously, and the Advance Medical Directive is one of the best ways to have a say in your medical care when you cannot express otherwise.

If you think a living will may not be enough for your needs, you may use another document in its place or supplement the living will with a Medical Power of Attorney (aka Health Care Proxy). A Medical Power of Attorney designates trusted persons who can direct your medical care in the case of incapacity. It allows your agent to become involved in your treatment and the health care process in order to carry out your wishes and/or do what is best for you in the given situation. The agent may request a second opinion, transfer you to another hospital and obtain medical records. If you have this additional document, it is likely that the doctor will defer to your agent's decisions. For this reason, you would only appoint close family members or friends.

Additionally, if you have a good Power of Attorney for Health Care and a Durable General Power of Attorney, it is likely that your relatives will not have to secure a guardianship for you if a medical issue, such as a stroke or illness, leaves you incapacitated. The cost of a full hearing to decide guardianship in Georgia may cost as much as \$3500.00.

If you have any questions or would like to make a Living Will and a Medical Power of Attorney part of your estate plan, please call our office to schedule an appointment with an attorney.



Office of the Staff Judge Advocate  
Legal Assistance Office  
6450 Way Avenue  
Fort Benning, GA 31905  
706-545-3281/3282